

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

LUIS ESPINOZA and EUDOXIO ADAN IGLESIAS, on
behalf of themselves and all others similarly situated,

Plaintiffs,

-against-

WANRONG TRADING CORP., YI ANG SHAO, and
XIANG QI CHEN,

Defendants.

13 Civ. 1727 (FB)(RML)

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ DEC 23 2014 ★

BROOKLYN OFFICE

**PROPOSED ORDER GRANTING PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

1. Plaintiffs have made an application, pursuant to, Fed. R. Civ. P. Rule 23 and 29 U.S.C. § 216(b), for an order approving a settlement in the above entitled action ("the Lawsuit") of the claims alleged, in accordance with a Settlement Agreement (the "Agreement"), which sets forth the terms and conditions for the settlement of the Lawsuit against Defendants and for dismissal of the Lawsuit against Defendants with prejudice upon the terms and conditions set forth therein, and the Court has read and considered the Agreement and the Affirmation of Brian S. Schaffer, Esq. dated December 8, 2014, and exhibits attached thereto:

2. On July 30, 2014, this Court issued an order preliminarily approving the proposed settlement agreement and providing for notice of the settlement to the class. Based on its preliminary review, this Court found that the settlement was fair, just, reasonable, and in the best interest of the named plaintiffs and the class as defined in the proposed settlement agreement. Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, this Court also scheduled a Fairness Hearing to further discuss the terms of the settlement and to provide an opportunity for any objections to be heard.

3. Counsel for Plaintiffs has advised that no written objections to the settlement have been

received and no one has appeared at the Fairness Hearing scheduled December 23, 2014, to voice an objection or otherwise be heard to contest the settlement.

4. The proposed settlement is approved. This Court is satisfied that the proposed settlement in this action meets both the procedural and substantive fairness.

IT IS HEREBY ORDERED, that this Court has jurisdiction over the subject matter of this litigation, and over all parties to this litigation, including all members of the class.

FURTHER, that for purposes of this ORDER, all terms not otherwise defined herein shall have the same meanings set forth in the Agreement.

FURTHER, the Court certifies the following class under Federal Rule of Civil Procedure 23(e), for settlement purposes ("Settlement Class"):

All individuals working at Wanrong Trading Corp. ("Wanrong") between April 1, 2007 and July 24, 2014 as delivery workers, loaders, stockpersons, processors, assemblers, and similarly situated employees (including workers performing meat processing, packing, cleaning, and office work), who are not related to the individual Defendants Yi Ang Shao and Xiang Qi Chen, and who have not timely opted-out of the Class.

FURTHER, that this Court hereby approves the settlement set forth in the Agreement and finds that the settlement is, in all respects, fair, reasonable, adequate, and in the best interests of the Plaintiffs and the class members in accordance with Rule 23(e) of the Federal Rules of Civil Procedure, and directs implementation of all its terms and provisions.

FURTHER, the Court approves the settlement of all claims brought under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* The settlement reflects a reasonable compromise over contested issues involving a bona fide dispute.

FURTHER, that the notice given to the members of the class fully and accurately informed the members of the class of the proposed settlement, was the best notice practicable under the circumstances, and constituted valid, due and sufficient notice to all members of the

class complying fully with Rule 23 of the Federal Rules of Civil Procedure and the United States Constitution.

FURTHER, the Claims Administrator will distribute the funds in the settlement account by making the following payments in the order below:

- a. Paying Class Counsel one-third of the fund (\$220,000);
- b. Reimbursing Class Counsel for litigation costs and expenses;
- c. Paying the Claims Administrator's fee;
- d. Paying the service awards of \$7,500 each to the named Plaintiffs, and \$2,500 to opt-in plaintiff Ruben Ramirez; and
- e. Paying the remainder of the fund to Qualified Class Members in accordance with the allocation plan described in the Agreement.

5. The Court retains jurisdiction over this action for the purpose of enforcing the Agreement and overseeing the distribution of settlement funds. The parties shall abide by all terms of the Agreement, which are incorporated herein, and this Order.

It is so ORDERED this ²¹~~23~~ day of ^{APRIL 2015}~~DECEMBER~~, 2014

s/Frederic Block

United States District Judge